

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

SUSANNA MIRKIN and BORIS MIRKIN,  
Individually and on Behalf of All Others  
Similarly Situated,

Plaintiffs,

v.

XOOM ENERGY, LLC and XOOM  
ENERGY NEW YORK, LLC,

Defendants.

No. 18 Civ. 2949 (ARR) (JAM)

**ORAL ARGUMENT REQUESTED**

**NOTICE OF XOOM'S MOTIONS *IN LIMINE***

**PLEASE TAKE NOTICE** that, upon the Memorandum of Law in Support of XOOM's Motions *in Limine* and the accompanying Declaration of Michael D. Matthews, Jr. and Exhibits thereto, Defendants XOOM Energy, LLC and XOOM Energy New York, LLC move for an order resolving the enumerated evidentiary issues *in limine*.

A Proposed Order is submitted herewith.

Dated: May 20, 2024

MCDOWELL HETHERINGTON LLP

/s/ Michael D. Matthews, Jr.

Michael D. Matthews, Jr.

Diane S. Wizig (admitted *pro hac vice*)

James M. Chambers (admitted *pro hac vice*)

David L. Villarreal (admitted *pro hac vice*)

Netra Sreeprakash

Justin Chapa (*pro hac* forthcoming)

1001 Fannin Street, Suite 2400

Houston, Texas 77002

Telephone: (713) 337-5580

Facsimile: (713) 337-8850

matt.matthews@mhllp.com

diane.wizig@mhllp.com

james.chambers@mhllp.com

david.villarreal@mhlhp.com  
netra.sreeprakash@mhlhp.com  
justin.chapa@mhlhp.com

*Attorneys for Defendants XOOM Energy, LLC  
and XOOM Energy New York, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served on the 20th day of May, 2024 via email on all counsel of record.

/s/Michael D. Matthews, Jr.  
Michael D. Matthews, Jr.